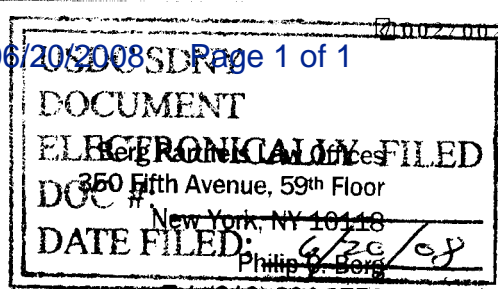
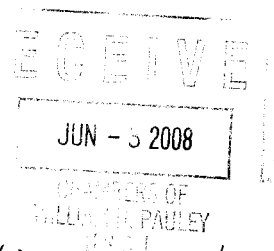


BERG PARTNERS LLP**MEMO ENDORSED**

June 2, 2008

BY FAX 212-805-6390

Hon. William H. Pauley
 United States District Court Judge
 Southern District of New York
 500 Pearl Street (Chambers - 2210)
 New York, New York 10007



Application granted
SO ORDERED:

RE: Sunco Group Inc. v. Earth Biofuels, Inc.
07 CV 4776 (WHP)

William H. Pauley III
 WILLIAM H. PAULEY III U.S.D.J.
 6/4/08

Dear Judge Pauley:

*The final pre-trial conference is
 advanced to August 1, 2008 at 11:45 am.*

I represent the Plaintiff, Sunco Group, Inc. in the above-captioned action. By your order dated, May 19th, discovery in this matter was to be completed on June 2, 2008.

The parties respectfully request an extension of the discovery deadline in this matter. The parties are conducting discovery in this matter diligently, cooperatively and in good faith. Unfortunately, we have been unable to complete discovery by the Court's closing date due to delays in obtaining documents from third parties. Accordingly, by agreement of the parties we respectfully request that the Court extend discovery in this matter until June 30, 2008 and that the due date for the Joint Pretrial Order be extended to July 21, 2008. Final Pretrial Conference and Oral Argument dates may be set for appropriate later dates in accordance with your calendar.

Respectfully submitted,

Philip C. Berg
 Philip C. Berg

cc: Joshua Kimerling, Esq. (By E-mail: JKimerling@CuddyFeder.com and By Fax:
 914-761-5372)